



# *Town of Weare Conservation Commission*

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## Conservation Commission

Andy Fulton, Chairman  
Patricia Myers, Secretary  
Stephen Najjar  
George Malette  
Michael Dahlberg

## CONSERVATION COMMISSION MINUTES

February 10, 2010

**\*\*DRAFT COPY\*\***

**PRESENT:** Andy Fulton, Chairman; Patricia Myers, Secretary; George Malette, Steve Najjar.

**GUESTS:** Stephen Pope – Weare land owner, Paula Bellamore - PLC, Wendy Stevens – Weare Agriculture Commission, Jim Camp – town resident, Dennis Smith – prospective new WCC member

### I. **CALL TO ORDER:**

Chairman Andy Fulton called the meeting to order at 7:03 PM.

### II. **The Melvin Farm project –**

Andy asked Paula Bellamore of the PLC to begin the discussion. She explained she was stepping in for Eric Masterson to discuss the request for funding for this project. At Andy's request, Paula reviewed the project's budget line by line (see attached) and showing the short fall of \$16,588, the amount requested from the Conservation Commission.

Next Andy asked Wendy Stevens to indicate her business with the CC. Wendy stated that she is a member of the Weare Agriculture Commission and also organizes the Weare Farmers Market. She stated she came to the meeting in support of the Melvin Farm project. She pointed to the importance of protecting the prime agricultural soils for farming.

Andy turned to CC members for discussion. Steve stated that a site walk had been completed in January and all commission members are familiar with the property. Steve also explained that the Open Space Committee had been unable to vote on a recommendation at the January meeting due to lack of sufficient members who had not recused themselves. Pat reminded the group that a vote of the Commission in January had approved support in spirit for the project, so that tonight's decision was to determine whether or not to expend Conservation Fund money toward the project. Members reviewed the Conservation Fund balance using finance reports from November 2009 and estimations of upcoming expenditures:

* As of Nov 2009 (as given in the report from Finance) the balance was		\$90,009.59
* At the December, 2009 CC meeting the Russell Foundation reimbursed the fund		\$20,000
* Anticipated expenses the CC is committed to	Hawkes CE Add-on	\$50,000
	NRI	<u>\$ 4,000</u>
* projected balance		\$56,009.59

Pat pointed out that, according to the Nov 2009 Conservation Fund statement, the Fund should be expected to gain from 2009 Land Use Change taxes. She said according to the statement, 2009 LUCT bills were \$14,920 and that 75% of all collected would go into the Conservation Fund. She said there should be up to \$11,190 eventually coming into the Conservation Fund.

The commission members discussed who would be voting on the issue. Pat stated she would not vote to avoid the appearance of a personal interest influencing the vote. That left George and Steve unless Andy voted, something he had declined to do as Chair. The By-Laws were consulted and found to be silent on the matter of the Chair voting. CC Members urged Andy to vote on this occasion.

After discussion of the need for a public hearing to acquire Executory Interest in the CE, George made the following motion: The Weare Conservation Commission proposes to expend \$16,588 from the Conservation Fund toward the Melvin Valley Farm conservation easement project, contingent upon holding a public hearing, and approval of Executory Interest by the Board of Selectmen.

After asking for further discussion, Andy called for a vote. CC members in favor of the motion – 1, members opposed – 2. The motion failed.

George expressed disappointment with the Conservation Commission for this vote. Pat also expressed dismay. The hearing on the Melvin Farm Project was closed.

- II. Mr. Tim Camp – requesting to tap sugar maples on the Corliss Woods subdivision open space land. This is a fairly new cluster subdivision along route 149. He has taps on nearby property and would like to expand. He stated he uses plastic lines and a vacuum of 15psi to run the sap to a collecting point. This is accepted practice and does no harm to the trees, he said. He estimated putting in about 150 taps on the open space land. Mr. Camp has made some effort to contact the subdivision home owners to ask if they would object but has been unsuccessful in reaching anyone. Steve asked if it was a commercial operation saying this could be a situation where a forest products agreement would be in order. Tim indicated he would be selling the syrup but it was a very small operation. Steve told the commission that there was no timber value on this piece of land so no concern about degrading trees with tap scars. Steve asked if the lines would be left in place year round? Tim said yes, that it is too time consuming to remove everything at the end of the season. There was discussion about whether this would impact the neighbors' enjoyment of the open space. Wording in the deed for the open space parcel states the open space is to benefit the home owners of the subdivision. There was discussion of requiring Mr Camp to get written OKs from abutters but Andy stated he'd rather not go that direction. Andy suggested allowing a 1 season trial and then an assessment of any negative reaction. Andy was able to use the laptop to find the deed for the open space at the Hillsborough County Registry of Deeds, Book 7869, pages 1357 – 1360. Steve recommended getting the neighbors involved in the decision process. Pat suggested the Commission conduct a site walk to get a better understanding of the likely impact the operation and the plastic lines on the enjoyment of the open space by neighbors and others. Steve said as part of researching a forest products agreement he would recommend the following steps: 1) check with the county forester and the Cooperative Extension at UNH to get more information on Forest Products Agreements., 2) draft the agreement 3) hold a public hearing, and 4) send letters to the inform abutters. Steve offered to draft the letter. Andy told Tim that it would be too late to work this out in time for this sugaring season but that the Commission would do some homework to come to a decision for next year, spring 2011. Tim said he would contact the Commission again if he has not heard anything by September.

- III. Minutes of January 13, 2010** – The minutes were reviewed and three corrections made:  
On page 1, the 2<sup>nd</sup> paragraph of Section II, delete *,300 ? meter each,*  
On page 3 the 1<sup>st</sup> paragraph, line 5 should read *..approval of funding from the Mildred Hall Bequest Advisory Committee.*  
In Section 3, the 4<sup>th</sup> line, the file # is *DES 2009-02754*

George made the motion accept the minutes of January 13, 2010 as amended. Steve seconded the motion. All voted in favor.

- IV. Potential New Member** – Mr. Dennis Smith introduced himself, saying everyone calls him Smitty. He stated he would like to serve on the Conservation Commission. He stated he moved to Weare in 2007 from New Boston and that he and his wife are very interested in conservation. He worked for PSNH for 20 years. Andy welcomed him and suggested he observe the meeting and see if it suits him.

**V. DES/Wetlands Bureau -**

NHDES File #2008-02537 Craig Francisco – 1-14-2010, an updated wetlands impact application has been submitted for this project on Abijah Bridge Road.

1-20-2010 Standard Dredge and Fill application filed for Mt William, Inc. by Mike Lambert. Map 408/133/135 and Map 409/4, 6635 ft<sup>2</sup> to be filled for construction of a forest access road. The Commission also received an Abutter Notification for this application. The application seeks to convert a temporary logging road built under a Forestry permit into a permanent road for "recreation, future forest management and fire protection". Commission members expressed discomfort with the scale of the road and the use of inappropriate wet area crossings designs. Andy agreed to draft a letter of comment from the Commission to the Wetlands Bureau. The following points would be included:

- 1) tempory crossing were built for timber harvest.
- 2) These temporary crossings were not designed to allow wildlife passage and should not become permanent.
- 3) It is unclear whether a timber harvest actually occurred.
- 4) The Forestry permit may have been incorrectly used. (See the permit checklist)
- 5) The size of the road to be built is not consistent with recreational use.
- 6) The would be a break in an otherwise very large, unfragmented piece of forest land.
- 7) Vernal pools were not identified.
- 8) The area to be disturbed may exceed the description of a minimum impact. This would be a minor impact.

1-20-2010 Standard Dredge and Fill application by NHDOT for culvert replacement on route 77 at the Dustin Meadow conservation land. Corroded steel inverts are to be replaced with concrete ones and riprap.

2-2-2010 Utility Maintenance Notification – PSNH vegetation management along ROWs.

2-5-2010 Non-Site Specific permit #2009-00873, Perkins Pond Dam. Approved

2-5-2010 Non-Site Specific permit #2009-02756, Lanier subdivision, Rt 77. Approved

**VI. Other:**

Felch Farm timber harvest - Steve reports the town received another check, this one \$11,000. There may be one more small check still coming. The total for the sale was \$25,259.

Chip Meany will require a \$2000 bond from Jack Moody until the wetlands buffer restoration is completed (pines planted).

NRI – The Commission has received an invoice for \$2650 from Kane and Ingraham. Andy will forward it to Tina for payment.

**VI. ADJOURNMENT:** There being no further business before the commission, Steve made the motion to adjourn. George seconded. All voted in favor. Andy adjourned the meeting at 10:09 pm.

Respectfully submitted,

Pat Myers, Weare Conservation Commission Secretary

Cc: Town Clerk's Office,  
BOS Office – Merry Rice  
WCC Office files